

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GREAT LAKES INSURANCE SE,	:	CIVIL ACTION
	:	NO. 19-04466
Plaintiff	:	
v.	:	
	:	
RAIDERS RETREAT REALTY CO.,	:	
LLC,	:	
	:	
Defendant	:	

ORDER

AND NOW, this **22nd** day of **February, 2021**, after considering Plaintiff's Motion for Judgment on the Pleadings and the parties' properly filed responses,¹ replies, sur-replies, and supplemental briefing,² and holding a hearing on the record, it is hereby **ORDERED**, for the reasons set forth in the accompanying memorandum, that the Motion (ECF No. 19) is **GRANTED**. Accordingly, Counts III, IV, and V of Defendant's counterclaims (ECF No. 5) are **DISMISSED**. No leave to amend is granted.³

It is **FURTHER ORDERED** that:

1. Plaintiff's Motion for Summary Judgment (ECF No. 30)

¹ The Court has deemed Raiders' Opposition to Plaintiff's Motion for Leave to Submit Reply (ECF No. 46) to be a Response in Opposition, rather than a Sur-Reply requiring leave of Court.

² The Court has not considered new arguments raised in two Reply briefs Raiders filed without seeking prior leave of the Court (ECF Nos. 38, 50). See Outline of Pretrial and Trial Procedures Before Judge Eduardo C. Robreno II.C.2 ("[Reply briefs] shall not be filed for motions of any nature without prior leave of the Court. Any motion for leave should be filed of record with a copy of the proposed brief attached as an exhibit to the motion.").

³ As explained in the accompanying memorandum, the parties' contractual choice-of-law provision bars the counterclaims at issue. Accordingly, amendment would be futile.

is **DENIED without prejudice** as inconsistent with the Court's November 10, 2020, Order (ECF No. 29);

2. The parties shall file any Motions for Summary Judgment by **March 22, 2021**. Responses to any Motions for Summary Judgment shall be filed by **April 21, 2021**; and

3. The parties' motions to file replies, sur-replies, and supplemental memoranda (ECF Nos. 22, 23, 35, 45) are **GRANTED**.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.